

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Carlos Alberto Tellez,	)	Civil Action No.: 4:18-cv-00720-RBH
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Spartanburg Regional, Southern	)	
Health Partners, and Cherokee	)	
County Detention Center,	)	
	)	
Defendants.	)	
	)	

---

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.). *See* ECF No. 8. The Magistrate Judge recommends that the Court summarily dismiss this action without prejudice. *Id.* at pp. 6–7.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed objections to the R & R, and the time for doing so has expired.<sup>1</sup> In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983).

---

<sup>1</sup> Plaintiff’s objections were due by April 6, 2018. *See* ECF Nos. 8 & 9.

The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

Having thoroughly reviewed the record, the Court finds no clear error and therefore adopts and incorporates by reference the Magistrate Judge’s R & R [ECF No. 8]. Accordingly, the Court **DISMISSES** this action *without prejudice and without issuance and service of process*.<sup>2</sup>

**IT IS SO ORDERED.**

Florence, South Carolina  
April 24, 2018

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

---

<sup>2</sup> The Magistrate Judge notified Plaintiff that he could potentially cure the deficiencies by filing an amended complaint, *see* R & R at p. 7 n.1, but Plaintiff did not file an amended complaint despite being given a chance to do so. Accordingly, the Court is dismissing this case without prejudice. *See, e.g., Grady v. White*, 686 F. App’x 153, 154 n.\* (4th Cir. 2017) (“We do not remand this matter to the district court, though, because the court previously afforded [the plaintiff] the chance to amend his complaint.” (citing *Goode v. Cent. Va. Legal Aid Soc’y, Inc.*, 807 F.3d 619, 623–24 (4th Cir. 2015), and *Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064, 1066–67 (4th Cir. 1993))).